



## Health Matrix: The Journal of Law-Medicine

---

Volume 28 | Issue 1

---

2018

# Health Matrix

2018

Follow this and additional works at: <https://scholarlycommons.law.case.edu/healthmatrix>



Part of the [Health Law and Policy Commons](#)

---

### Recommended Citation

2018, *Health Matrix*, 28 Health Matrix Iss. 1 (2018)

Available at: <https://scholarlycommons.law.case.edu/healthmatrix/vol28/iss1/2>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Health Matrix: The Journal of Law-Medicine by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

# HEALTH MATRIX: JOURNAL OF LAW-MEDICINE

Volume 28  
2018



SCHOOL OF LAW

---

CASE WESTERN RESERVE  
UNIVERSITY

Health Matrix is grateful to the Law-Medicine Center at Case Western Reserve University School of Law for its sponsorship of symposia and conferences concerning the latest developments in the area of law and medicine. Over the course of more than fifty years, the Center has broadened its focus from issues involving forensic medicine to the whole range of legal, social, economic, scientific, and ethical issues in which law and medicine are interrelated.

© 2018 by Health Matrix: Journal of Law-Medicine

Health Matrix: Journal of Law-Medicine (ISSN 0748-383X) is published annually by the students of Case Western Reserve University School of Law.

Citations conform to *The Bluebook: A Uniform System of Citation* (20<sup>th</sup> ed. 2015). Style conforms generally to the *Chicago Manual of Style* (16<sup>th</sup> ed. 2010).

Health Matrix welcomes submissions of original articles. Possible topical areas include: legal medicine, health law and policy, professional liability, biomedical ethics, and medical-legal research.

Send correspondence to [h-matrix@case.edu](mailto:h-matrix@case.edu) or to:

Health Matrix: Journal of Law-Medicine  
Case Western Reserve University School of Law  
11075 East Boulevard  
Cleveland, Ohio 44106

Visit our webpage: <http://law.case.edu/journals/HealthMatrix>

Subscriptions may be entered for the entire volume for \$16.00 per year for domestic and \$18.00 for foreign subscribers.

Back issues are available from William S. Hein & Co., Inc., 2350 North Forest Rd., Getzville, New York 14068, or online at [www.wshein.com/catalog/114311](http://www.wshein.com/catalog/114311). Back issues are also available in electronic format at [www.heinonline.org](http://www.heinonline.org).

For all photocopy or republication requests please contact Copyright Clearance Center, Inc. by mail: 222 Rosewood Drive, Danvers, Massachusetts 01923, by phone: (855) 239-3415, by fax: (978) 646-8600, by email: [info@copyright.com](mailto:info@copyright.com), or online at [www.copyright.com](http://www.copyright.com).

Selected Health Matrix articles are indexed in the National Reference Center for Bioethics Literature, Kennedy Institute of Ethics, Georgetown University, Washington, D.C. Volume 3 and subsequent volumes indexed in the Index to Legal Periodicals and available on Lexis/Nexis, Thomson, HeinOnline, EBSCO, Gale Group, H.W. Wilson, and PAIS.

This issue went to press in April 2018.

# HEALTH MATRIX: JOURNAL OF LAW-MEDICINE

---

Volume 28

2018

---

*Editors-in-Chief*

MARIAH DICK (*FALL 2017*)  
ALEXIS FLORCZAK (*SPRING 2018*)  
SAMANTHA SMYTH (*SPRING 2018*)

*Managing Editor*  
RYAN KRISBY

*Executive Articles Editor*  
SAMANTHA SMYTH

*Copy Editor*  
RACHEL  
HAZELET

*Publications Editor*  
ALEXIS  
FLORCZAK

PUNAM CHATTERJEE  
LAUREN CHISNER

*Executive Notes Editors*  
LINDSAY COOK  
STEPHANIE FARAH

MICHAEL HATTERY  
ZACHARY ZALEWSKI

ELIZABETH BURNETT  
ALLYSON CADY  
ANDREW CONDILES  
NICOLETTE CREGAN

*Associate Editors*  
ELIZABETH HOUCK  
AMANDA MAHONEY  
JACK MAIB

JULIA ROSS  
ANDREW SCHIEFER  
TALIA SUKOL  
GARO YAGHSEZIAN

*Faculty Advisor*  
SHARONA HOFFMAN



ARTICLES

|  |     |
|--|-----|
| Examining Nontherapeutic Circumcision  | 1   |
| <i>Stephen R. Munzer</i>   |     |
| <i>Winner of the Oliver C. Schroeder, Jr. Prize</i>  |     |
| Witch Doctors, Zombies, and Oracles: Rethinking Health in America                                      | 79  |
| <i>Ali S. Khan</i>   |     |
| <i>The Oliver C. Schroeder, Jr. Scholar-in-Residence Lecture</i>                                       |     |
| Screening Older Physicians for Cognitive Impairment: Justifiable or Discriminatory?                    | 95  |
| <i>Ilene N. Moore</i>  |     |
| The Implications of Marijuana Legalization on the Prevalence and Severity of Schizophrenia             | 175 |
| <i>Samantha M. Caspar &amp; Arten M. Joukov</i>  |     |
| Teaching Bioethics: The Role of Empathy & Humility in the Teaching and Practice of Law                 | 201 |
| <i>Barbara A. Noah</i>   |     |
| Needles, Haystacks and Next-Generation Genetic Sequencing  | 217 |
| <i>Teneille R. Brown</i>   |     |
| The Broken Medicare Appeals System: Failed Regulatory Solutions and the Promise of Federal Litigation  | 269 |
| <i>Greer Donley</i>  |     |
| Different but Same: A Call for a Joint Pro-Active Regulation of Cross-Border Egg and Surrogacy Markets | 323 |
| <i>Sharon S. Bassan</i>  |     |

## NOTES

- Health Care Held Ransom: Modifications to Data Breach Security & The Future of Health Care Privacy Protection 365  
*Ryan M. Krisby*  
*Outstanding Note of the Year (2017)*
- Countering Pay-for Performance's Unintended Consequences 403  
by Rethinking the Physician's Duty to Disclose  
*Mariah Dick*
- Make America Discriminate Again? Why *Hobby Lobby's* Expansion of RFRA is Bad Medicine for Transgender Healthcare 431  
*Alexis M. Florczak*
- Shining City on a Hill at the Edge of Tomorrow: CRISPR-Cas9, Dickey-Wicker, and the Inner Space Race 469  
*Zachary A. Zalewski*